

[counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

## ORACLE AMERICA, INC.

CASE NO. CV 10-03561 WA (DMR)

Plaintiff,

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME TO  
FILE JURY INSTRUCTIONS,  
VERDICT FORMS, AND TRIAL  
BRIEFS**

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GOOGLE INC.

Judge: Honorable William Alsup

Defendant.

## STIPULATION

WHEREAS, pursuant to the Court's scheduling order, and the Court's Order of October 6, 2011, the parties are to file joint jury instructions, briefing on any disputed instructions, proposed verdict forms, proposed voir dire, and a joint pre-trial order, on October 12, 2011;

WHEREAS, the parties have been meeting and conferring in an attempt to work out their differences in the various components of the filing;

WHEREAS, the attorney for Oracle with primary responsibility for negotiating and briefing the jury instructions, who also shares responsibility for the trial brief, is unexpectedly unavailable due to a family medical emergency;

WHEREAS, the Court has indicated that the pre-trial conference that was scheduled for October 17, 2011, will be moved to the afternoon of October 24, 2011; and

WHEREAS, the parties acknowledge and agree that a limited extension of time to file joint jury instructions, briefing on any disputed instructions, proposed verdict forms, and trial briefs will not affect, delay, or push back any other deadlines in this case.

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE that:

1. The parties will continue to meet and confer over the next several days to resolve issues that can be resolved and narrow areas of dispute, and thereafter file the joint jury instructions, briefing on any disputed instructions, proposed verdict forms, and trial briefs on October 14, 2011.

2. No other deadlines in this case will be affected by the foregoing extensions. The parties will file proposed voir dire questions and the joint pre-trial order on October 12, 2011. The parties will not use these extensions to argue for a delay of the trial date or any other deadlines in this case.

## ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date:

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Honorable William Alsup  
Judge of the United States District Court

1  
2 Dated: October 11, 2011

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3 By: /s/Fred Norton  
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1  
2 Dated: October 11, 2011

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3 By: /s/*Matthias A. Kamber*  
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2 **ATTESTATION**

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I, Fred Norton, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND FACT DISCOVERY CUT-OFF AND DUE DATES FOR EXPERT REPORTS. In compliance with General Order 45, X.B., I hereby attest that Fred Norton and Matthias A. Kamber have concurred in this filing.

Date: October 11, 2011

/s/

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